

The Examiner argues that restriction is proper because the inventions are separate and distinct under MPEP 806.05(h). Applicant respectfully traverses. The kit in claim 32 is used to carry out the method of invention. Applicant would have to bear the additional costs of pursuing this single claim in a divisional application. Applicant submits that the Examiner would not be placed under an undue burden to search and examine the claims of Group I (claims 1-31) and the single claim within Group II in the same application.

Applicant respectfully asks the Examiner to examine claims 1-32 within the same application. If the Examiner refuses and maintains the full scope of the restriction requirement, Applicant hereby elects the claims of Group I, namely claims 1-31, for search and examination on the merits.

If the Examiner has any questions concerning this application, he is requested to contact Leonard Svensson (Reg. No.: 30,330) the undersigned at (714) 708-8555.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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